

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
vs. ) CR. NO. 2:05cr139-A  
CORY JERMICHAEL REED )

## ORDER

This case is before the court on the Motion to District Court Requesting Review and Amendment of Order of U. S. Magistrate Judge Granting Government's Motion for Detention of Defendant Pending Trial (Doc. #35), filed by the Defendant on August 31, 2005. The court considers this motion pursuant to 18 U.S.C. § 3145.

The detention order was entered by the Magistrate Judge on June 2, 2005, following a detention hearing held on June 1, 2005. The Magistrate Judge found that there was probable cause to believe that the Defendant had committed a drug offense for which a sentence of ten (10) years or more is prescribed. Based on the evidence presented at the hearing and argument of counsel, she further found that the Defendant had failed to rebut the presumption established by that finding that no condition or combination of conditions would reasonably assure the safety of the community, and granted the Government's Motion for Detention.

Following the Defendant's pretrial detention, the Defendant and the United States reached an agreement that the Defendant would cooperate proactively with law enforcement in other matters and that the Government would request the Magistrate Judge to release the Defendant, subject to electronic monitoring, so that he could do so, based on this agreement constituting exceptional reasons why the Defendant's detention would not be appropriate. The

Magistrate Judge released the Defendant pursuant to the Government's request. On August 9, 2005, the United States moved for revocation of the Defendant's pretrial release, based on the Defendant's failure to follow through on his agreement to provide cooperation, and the Magistrate Judge revoked the pretrial release.

This case is now before the court to review the original Order of Detention. The court has undertaken an independent review of this case as required by *United States v. Hurtado*, 779 F.2d 1467 (11th Cir. 1985) and has followed the procedures adopted by the Eleventh Circuit in *U.S. v. King*, 849 F.2d 485, 490 (11th Cir. 1988).

After reviewing the detainee's motion, the court determines that additional evidence is not necessary and that no factual issues which might result in a revocation or amendment remain unresolved. Therefore, the court determines that an evidentiary hearing is not necessary.

Based upon a careful review of the pleadings and the evidence developed at the Magistrate Judge's detention hearing, and after having read the transcript of the detention hearing, the court determines that the Magistrate Judge's factual findings are supported and that the Magistrate Judge's legal conclusions are correct. Accordingly, it is hereby

ORDERED that the motion is DENIED. The court explicitly adopts the Magistrate Judge's detention order entered on June 2, 2005.

DONE this 20th day of September, 2005.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
UNITED STATES DISTRICT JUDGE